

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

KHRISTOFFER MANDELL
HEARRON, #R75793

PLAINTIFF

VS.

CIVIL ACTION NO. 5:08-cv-148(DCB)(MTP)

MISSISSIPPI DEPARTMENT
OF CORRECTIONS, ET AL.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on the plaintiff's motion for temporary restraining order (**docket entry 3**), the Report and Recommendation of Magistrate Judge Michael T. Parker (**docket entry 16**), and the petitioner's Objections (**docket entry 17**) thereto. Having carefully considered the report and recommendation, the objections, and the applicable law, the Court finds as follows:

The plaintiff, an inmate currently incarcerated at Delta Correctional Facility ("DCF"), filed this pro se lawsuit pursuant to 42 U.S.C. § 1983 on February 15, 2008. In his complaint, he names as defendants the Mississippi Department of Corrections ("MDOC"), the Corrections Corporation of America ("CCA"), and individuals from DCF, Mississippi State Penitentiary at Parchman ("Parchman"), and Wilkinson County Correctional Facility ("WCCF"). None of the defendants named by the plaintiff have been served with process.

The plaintiff asserts several claims against the defendants: (1) for retaliation (for his challenge to MDOC grooming standards regarding hair length); (2) for denial of medical treatment and (3) deprivation of property, both based on various incidents that

allegedly occurred while the plaintiff was incarcerated at Parchman, WCCF and DCF; (4) challenging two Rule Violation Reports ("RVRs") he received at DCF; (5) for the wrongful taking of money from his inmate account at DCF; (6) for wrongful confiscation of toiletries by DCF; and (7) for a First Amendment violation by MDOC in denying him arts and crafts and musical instruments.

The plaintiff has also filed a motion for a temporary restraining order, requesting the following injunctive relief: (1) that DCF not be allowed to cut his hair and that he be allowed to wear dreadlocks (the plaintiff is a Rastafarian) until the final disposition of this case; (2) that the MDOC transfer him to Marion/Walthall County Regional Correctional Facility; (3) that the Court review both RVRs at issue in this lawsuit and "make a decision"; (4) that the Court issue an order to the MDOC to "acknowledge in writing" that the plaintiff seeks \$60,000 in damages for the 178 excess days he allegedly served on a prior sentence; (5) that the Court issue an order to the MDOC and WCCF to reimburse the plaintiff \$1,100 that was misappropriated from his prison account; (6) that the Court issue an order to the MDOC to provide approval for the plaintiff to purchase arts and crafts and musical instruments; and (7) that the Court order DCF staff to return approved cosmetics that were allegedly confiscated from the plaintiff.

In a well-reasoned Report and Recommendation, Magistrate Judge Parker has shown that the plaintiff has failed to demonstrate a likelihood of success on the merits of his claims; thus, he is not

entitled to a temporary restraining order. The Court finds nothing in the plaintiff's objections that would demonstrate error in the Report and Recommendation. Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation (**docket entry 16**) of Magistrate Judge Michael T. Parker is hereby adopted as the opinion of this Court;

FURTHER ORDERED that the plaintiff's Objections (**docket entry 17**) are DENIED;

FURTHER ORDERED that the plaintiff's Motion for Temporary Restraining Order (**docket entry 3**) is DENIED.

SO ORDERED, this the 27th day of August, 2008.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE